

The opinion in support of the decision being  
entered today is not binding precedent of the Board.

Paper 120

Board of Patent Appeals and Interferences  
U.S. Patent and Trademark Office  
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
(Administrative Patent Judge Richard E. Schafer)

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Bayer CropScience S.A.,  
Junior Party  
(Patent 6,069,115 - Ken Pallet et al. inventors),

v.

Syngenta Limited,  
Senior Party  
(Application 09/791,489 - Ian Jepson et al. inventors).

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Patent Interference No. 105,255 (RES)

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1 Before: SCHAFER, HANLON and GARDNER LANE, Administrative Patent Judges.  
2 SCHAFER, Administrative Patent Judge.

3 **Judgment - Request for Adverse - Bd.R. 127(b)**

4 Syngenta has requested and agreed to entry of adverse judgment with respect to the subject  
5 matter of the Count. Paper 119.

6 Accordingly , it is

7 **ORDERED** that judgment on priority as to the subject matter of Count 1 (Paper 22,  
8 p. 1), is awarded against the senior party, SYNGENTA LIMITED (Application 09/791,489 - Ian  
9 Jepson et al. inventors);

1                   **FURTHER ORDERED** that senior party, SYNGENTA LIMITED (Application  
2 09/791,489 - Ian Jepson et al. inventors), is not entitled to a patent containing claims 31-36, 38-49,  
3 67-100 (corresponding to Count 1) of Application 09/791,489;

4                   **FURTHER ORDERED** that a copy of this judgment be made of record in the file  
5 of U.S. Patent 6,069,115 and Application 09/791,489;

6                   **FURTHER ORDERED** that if there is any settlement agreement which has not been  
7 filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 41.205.

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10                   /Richard E. Schafer/                   )  
11                   RICHARD E. SCHAFER                   )  
12                   Administrative Patent Judge                   )  
13                   )                   )  
14                   /Adriene Lepiane Hanlon/                   ) BOARD OF PATENT  
15                   ADRIENE LEPIANE HANLON                   ) APPEALS AND  
16                   Administrative Patent Judge                   ) INTERFERENCES  
17                   )                   )  
18                   /Sally Gardner Lane/                   )  
19                   SALLY GARDNER LANE                   )  
20                   Administrative Patent Judge                   )

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